

Message

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**From:** Gross, Louise C [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=25A8DF2A549B43FCAFB543F4388B170A-LGROSS02]  
**Sent:** 9/12/2019 11:00:08 PM  
**To:** Furey, Eileen [furey.eileen@epa.gov]  
**Subject:** RE: Correction of Error in the Ohio State Implementation Plan

Thanks, Eileen.

Louise C. Gross  
Associate Regional Counsel  
U. S. Environmental Protection Agency  
77 W. Jackson Blvd. (C-14J)  
Chicago, IL 60604  
(312) 886-6844

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**From:** Furey, Eileen <furey.eileen@epa.gov>  
**Sent:** Thursday, September 12, 2019 5:59 PM  
**To:** Hall, Matthew <hall.matthew@epa.gov>  
**Cc:** Toney, Marcy <toney.marcy@epa.gov>; Gross, Louise C <gross.louise@epa.gov>; Klassman, Debra <klassman.debra@epa.gov>  
**Subject:** FW: Correction of Error in the Ohio State Implementation Plan

Matt –

# Ex. 5 AC/AWP/DP

See you Monday!

Eileen

Eileen L. Furey  
Acting Deputy Regional Counsel  
U.S. EPA Region 5  
(312) 886-7950

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**From:** McAuliffe, Mary <mcauliffe.mary@epa.gov>  
**Sent:** Tuesday, August 27, 2019 2:16 PM  
**To:** Daugavietis, Andre <daugavietis.andre@epa.gov>; Furey, Eileen <furey.eileen@epa.gov>  
**Subject:** RE: Correction of Error in the Ohio State Implementation Plan

Hi, Eileen and Andre,

Our law clerk in 2010 did a memo that I only have as a hard copy (see attached).

# Ex. 5 AC/AWP/DP

Those are all my disjointed thoughts. Hope this helps! --Mary

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**From:** Daugavietis, Andre <[daugavietis.andre@epa.gov](mailto:daugavietis.andre@epa.gov)>  
**Sent:** Tuesday, August 27, 2019 1:06 PM  
**To:** Furey, Eileen <[furey.eileen@epa.gov](mailto:furey.eileen@epa.gov)>; McAuliffe, Mary <[mcauliffe.mary@epa.gov](mailto:mcauliffe.mary@epa.gov)>  
**Subject:** RE: Correction of Error in the Ohio State Implementation Plan

eileen: i have not seen such memo but would like to. -andre

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**From:** Furey, Eileen <[furey.eileen@epa.gov](mailto:furey.eileen@epa.gov)>  
**Sent:** Tuesday, August 27, 2019 12:54 PM  
**To:** McAuliffe, Mary <[mcauliffe.mary@epa.gov](mailto:mcauliffe.mary@epa.gov)>; Daugavietis, Andre <[daugavietis.andre@epa.gov](mailto:daugavietis.andre@epa.gov)>  
**Subject:** FW: Correction of Error in the Ohio State Implementation Plan

Andre and Mary-

# Ex. 5 AC/AWP/DP

Thanks,  
Eileen

Eileen L. Furey  
Acting Deputy Regional Counsel

U.S. EPA Region 5  
(312) 886-7950

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**From:** Frank, Nathan <[frank.nathan@epa.gov](mailto:frank.nathan@epa.gov)>  
**Sent:** Tuesday, August 27, 2019 12:42 PM  
**To:** Furey, Eileen <[furey.eileen@epa.gov](mailto:furey.eileen@epa.gov)>; Breneman, Sara <[breneman.sara@epa.gov](mailto:breneman.sara@epa.gov)>; Dickens, Brian <[dickens.brian@epa.gov](mailto:dickens.brian@epa.gov)>; Marshall, Sarah <[marshall.sarah@epa.gov](mailto:marshall.sarah@epa.gov)>  
**Subject:** RE: Correction of Error in the Ohio State Implementation Plan

# Ex. 5 AC/AWP/DP

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**From:** Furey, Eileen <[furey.eileen@epa.gov](mailto:furey.eileen@epa.gov)>  
**Sent:** Tuesday, August 27, 2019 12:37 PM  
**To:** Frank, Nathan <[frank.nathan@epa.gov](mailto:frank.nathan@epa.gov)>; Breneman, Sara <[breneman.sara@epa.gov](mailto:breneman.sara@epa.gov)>; Dickens, Brian <[dickens.brian@epa.gov](mailto:dickens.brian@epa.gov)>; Marshall, Sarah <[marshall.sarah@epa.gov](mailto:marshall.sarah@epa.gov)>  
**Subject:** RE: Correction of Error in the Ohio State Implementation Plan

## Ex. 5 AC/AWP/DP

Eileen L. Furey  
Acting Deputy Regional Counsel  
U.S. EPA Region 5  
(312) 886-7950

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**From:** Frank, Nathan <[frank.nathan@epa.gov](mailto:frank.nathan@epa.gov)>  
**Sent:** Tuesday, August 27, 2019 12:31 PM  
**To:** Furey, Eileen <[furey.eileen@epa.gov](mailto:furey.eileen@epa.gov)>; Breneman, Sara <[breneman.sara@epa.gov](mailto:breneman.sara@epa.gov)>; Dickens, Brian <[dickens.brian@epa.gov](mailto:dickens.brian@epa.gov)>; Marshall, Sarah <[marshall.sarah@epa.gov](mailto:marshall.sarah@epa.gov)>  
**Subject:** RE: Correction of Error in the Ohio State Implementation Plan

## Ex. 5 AC/AWP/DP

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**From:** Furey, Eileen <[furey.eileen@epa.gov](mailto:furey.eileen@epa.gov)>  
**Sent:** Tuesday, August 27, 2019 11:20 AM  
**To:** Breneman, Sara <[breneman.sara@epa.gov](mailto:breneman.sara@epa.gov)>; Frank, Nathan <[frank.nathan@epa.gov](mailto:frank.nathan@epa.gov)>; Dickens, Brian <[dickens.brian@epa.gov](mailto:dickens.brian@epa.gov)>; Marshall, Sarah <[marshall.sarah@epa.gov](mailto:marshall.sarah@epa.gov)>  
**Subject:** FW: Correction of Error in the Ohio State Implementation Plan

FYI - Just trying to keep you in the loop on the Ohio SIP's nuisance provision.

Eileen

Eileen L. Furey  
Acting Deputy Regional Counsel  
U.S. EPA Region 5  
(312) 886-7950

**From:** Daugavietis, Andre <daugavietis.andre@epa.gov>  
**Sent:** Tuesday, August 27, 2019 8:39 AM  
**To:** Mooney, John <Mooney.John@epa.gov>  
**Cc:** Nelson, Leverett <nelson.leverett@epa.gov>; Damico, Genevieve <damico.genevieve@epa.gov>; Furey, Eileen <furey.eileen@epa.gov>; Klassman, Debra <klassman.debra@epa.gov>; Aburano, Douglas <aburano.douglas@epa.gov>; Newton, Cheryl <Newton.Cheryl@epa.gov>  
**Subject:** RE: Correction of Error in the Ohio State Implementation Plan

## Ex. 5 AC/AWP/DP

**From:** Mooney, John <Mooney.John@epa.gov>  
**Sent:** Tuesday, August 27, 2019 8:32 AM  
**To:** Newton, Cheryl <Newton.Cheryl@epa.gov>  
**Cc:** Nelson, Leverett <nelson.leverett@epa.gov>; Damico, Genevieve <damico.genevieve@epa.gov>; Furey, Eileen <furey.eileen@epa.gov>; Klassman, Debra <klassman.debra@epa.gov>; Daugavietis, Andre <daugavietis.andre@epa.gov>; Aburano, Douglas <aburano.douglas@epa.gov>  
**Subject:** RE: Correction of Error in the Ohio State Implementation Plan

## Ex. 5 AC/AWP/DP

**From:** Newton, Cheryl <Newton.Cheryl@epa.gov>  
**Sent:** Monday, August 26, 2019 2:21 PM  
**To:** Mooney, John <Mooney.John@epa.gov>  
**Cc:** Nelson, Leverett <nelson.leverett@epa.gov>; Damico, Genevieve <damico.genevieve@epa.gov>; Furey, Eileen <furey.eileen@epa.gov>; Klassman, Debra <klassman.debra@epa.gov>; Daugavietis, Andre <daugavietis.andre@epa.gov>  
**Subject:** RE: Correction of Error in the Ohio State Implementation Plan

Perfect! Thanks

**From:** Mooney, John <Mooney.John@epa.gov>  
**Sent:** Monday, August 26, 2019 2:20 PM  
**To:** Newton, Cheryl <Newton.Cheryl@epa.gov>  
**Cc:** Nelson, Leverett <nelson.leverett@epa.gov>; Damico, Genevieve <damico.genevieve@epa.gov>; Furey, Eileen <furey.eileen@epa.gov>; Klassman, Debra <klassman.debra@epa.gov>; Daugavietis, Andre <daugavietis.andre@epa.gov>  
**Subject:** Re: Correction of Error in the Ohio State Implementation Plan

Bob is here with me. I will ask him if he has an update and let him know about the request.

Sent from my iPhone

On Aug 26, 2019, at 2:16 PM, Newton, Cheryl <Newton.Cheryl@epa.gov> wrote:

## Ex. 5 AC/AWP/DP

# Ex. 5 AC/AWP/DP

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**From:** Nelson, Leverett <[nelson.leverett@epa.gov](mailto:nelson.leverett@epa.gov)>

**Sent:** Monday, August 26, 2019 2:09 PM

**To:** Newton, Cheryl <[Newton.Cheryl@epa.gov](mailto:Newton.Cheryl@epa.gov)>

**Cc:** Mooney, John <[Mooney.John@epa.gov](mailto:Mooney.John@epa.gov)>; Damico, Genevieve <[damico.genevieve@epa.gov](mailto:damico.genevieve@epa.gov)>; Furey, Eileen <[furey.eileen@epa.gov](mailto:furey.eileen@epa.gov)>; Klassman, Debra <[klassman.debra@epa.gov](mailto:klassman.debra@epa.gov)>; Daugavietis, Andre <[daugavietis.andre@epa.gov](mailto:daugavietis.andre@epa.gov)>

**Subject:** FW: Correction of Error in the Ohio State Implementation Plan

Cheryl-

John advises that you may have had some recent involvement on this topic. I suspect that Ms. Koch may have gotten an out-of-office reply, so she contacted me, but I don't know that for sure. If there's something I should tell her (or that you want to tell her directly), please let me know. Thanks.

-Rett

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**From:** Johnson Koch, LeAnn M. (Perkins Coie) <[LeAnnJohnson@perkinscoie.com](mailto:LeAnnJohnson@perkinscoie.com)>

**Sent:** Monday, August 26, 2019 1:24 PM

**To:** Nelson, Leverett <[nelson.leverett@epa.gov](mailto:nelson.leverett@epa.gov)>

**Subject:** FW: Correction of Error in the Ohio State Implementation Plan

Hi Mr. Nelson --

We are hoping to schedule a meeting with the Regional Administrator to discuss our request, on behalf of several companies, that EPA modify the Ohio State Implementation Plan. The SIP violates the Clean Air Act because it includes requirements related to non-criteria air pollutants. Numerous state SIPs have been revised to address exactly this error, as described in the attached communication.

Would it be possible to schedule a meeting to discuss this issue with the Regional Administrator? Time if of the essence because citizen suit actions are pending and being threatened based on the error in the SIP.

Thanks,  
LeAnn

**LeAnn Johnson Koch | Perkins Coie LLP**

Office: 202.654.6209

Mobile: 202.253.8152

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**From:** Johnson Koch, LeAnn M. (WDC)

**Sent:** Monday, August 26, 2019 2:02 PM

**To:** 'williams.felicia@epa.gov' <[williams.felicia@epa.gov](mailto:williams.felicia@epa.gov)>

**Subject:** RE: Correction of Error in the Ohio State Implementation Plan

Ms. Williams --

I am writing to follow-up on my email below, to see if we can schedule a meeting with Ms. Stepp to discuss our request that EPA modify the Ohio State Implementation Plan. I look forward to hearing from you.

Thanks,  
LeAnn

**LeAnn Johnson Koch | Perkins Coie LLP**

Office: 202.654.6209  
Mobile: 202.253.8152

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**From:** Johnson Koch, LeAnn M. (WDC)  
**Sent:** Wednesday, August 14, 2019 1:56 PM  
**To:** 'williams.felicia@epa.gov' <williams.felicia@epa.gov>  
**Subject:** FW: Correction of Error in the Ohio State Implementation Plan

Ms. Williams –

Per my voicemail, attached is the letter I sent to Ms. Stepp on June 11. We would like to schedule a meeting with Ms. Stepp to discuss our request that EPA correct an error in the Ohio State Implementation Plan. Would you please let me know when Ms. Stepp would be available for a meeting. We plan to include several companies in the meeting that have been adversely affected by the error in the state SIP.

Thank you,  
LeAnn

**LeAnn Johnson Koch | Perkins Coie LLP**

Office: 202.654.6209  
Mobile: 202.253.8152

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**From:** Johnson Koch, LeAnn M. (WDC)  
**Sent:** Tuesday, June 11, 2019 11:18 AM  
**To:** 'stepp.cathy@epa.gov' <stepp.cathy@epa.gov>  
**Cc:** 'laurie.stevenson@epa.ohio.gov' <laurie.stevenson@epa.ohio.gov>; 'todd.anderson@epa.ohio.gov' <todd.anderson@epa.ohio.gov>; 'michael.guastella@epa.ohio.gov' <michael.guastella@epa.ohio.gov>; 'robert.hodanbosi@epa.ohio.gov' <robert.hodanbosi@epa.ohio.gov>; 'drew.bergman@epa.ohio.gov' <drew.bergman@epa.ohio.gov>; 'blakely.pamela@epa.gov' <blakely.pamela@epa.gov>; Ford, Aimee E. (WDC) <AFord@perkinscoie.com>  
**Subject:** Correction of Error in the Ohio State Implementation Plan

Dear Ms. Stepp:

Attached is a letter requesting that EPA correct an error in the Ohio State Implementation Plan, specifically, the incorporation of a public nuisance rule, which is unrelated to attainment and maintenance of the NAAQS.

Please let me know if you have any questions and thank you in advance for your assistance.

LeAnn

**LeAnn Johnson Koch | Perkins Coie LLP**

Office: 202.654.6209  
Mobile: 202.253.8152

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NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

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